

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33663 of 2020

Arising Out of PS. Case No.-49 Year-2020 Thana- BIDUPUR District- Vaishali

NITISH KUMAR (Male-aged about 24 years), Son of Naresh Rai, Resident of Village- Kathaulia, P.S.- Bidupur, District- Vaishali.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Naresh Dikshit, Advocate.
For the Opposite Party	:	Mr. Md. Sufiyan, A.P.P.
For the Informant	:	Mr. Ramesh Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-12-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks after restoration of normalcy.

Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in a case for the offence registered under Sections 341, 323, 324, 307 and 447/34 of the I.P.C. Later on, Section 302 of the I.P.C. was also added.

The prosecution story, in brief, is that the petitioner



alongwith other F.I.R. named accused persons and other 5-7 unknown persons armed with Lathi, Danda, weapons attacked on the informant's house. All the family members fled away due to fear, but due to old age the informant could not flee away. They caught hold Ravindra Rai in course of fleeing and started assaulting him. When the informant went to save him, they also started assaulting him. The informant and his son became unconscious. They also entered into house and misbehaved with the ladies and also assaulted them. During treatment, the informant after giving his statement before the police in the hospital, has died.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 14.05.2020. The petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. General and omnibus allegation has been made against the petitioner. Neither specific overt act is alleged against the petitioner nor any specific injury is attributed against the petitioner.

On behalf of the learned counsels for the State and the



informant, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Vaishali at Hajipur, in connection with Bidupur P.S. Case No. 49/2020.

(Sudhir Singh, J)

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